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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,607	12/11/2003	Robert W. Erickson	RCM 03324	8510
7590 04/28/2005			EXAMINER	
JAMES RAY & ASSOCIATES 2640 PITCAIRN ROAD MONROEVILLE, PA 15146			SINGH, SUNIL	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/733,607	Applicant(s) ERICKSON, ROBERT W.	
	Examiner Sunil Singh	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 16 and 18-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,6-12,16,18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Krekeler (US 3331637)

Krekeler discloses a retaining system (see Fig. 4) for securing a cutting tool to a support block, said retaining system comprising: at least one groove (22) having a first predetermined shape, formed in an outer surface of a shank portion of said cutting tool intermediate each end thereof, said groove being formed in a direction transverse to a longitudinal axis of said shank; at least one groove (23) having a second predetermined shape, formed in a surface of a bore formed through an axis of said support block for receiving therein said shank portion of said cutting tool, said at least one groove formed in said outer surface of said shank portion of said cutting tool being substantially radially opposed to said at least one groove formed in said surface of said bore formed through said axis of said support block when said shank portion is inserted into said bore of said support block; and at least one rolled spring steel pin member (24) (see col. 4 lines 15-25) engageable with each of said at least one groove formed in said outer surface of said shank portion said cutting tool and said at least one groove formed in said surface of said bore formed through said axis

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,6-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snipe or Morrow or Krekeler '206 or Krekeler '728 or Hansen et al. or Krekeler '764 or Kniff et al., Krekeler '359 or Vasek or Stewart (US 3268260, 3498677, 3622206, 3690728, 3796464, 3834764, 3841708, 3856359, 4222446, 5810102) in view of Krekeler '637 or Parsons (US 5357823).

Snipe, Morrow, Krekeler '206, Krekeler '728, Hansen et al., Krekeler '764, Kniff et al., Krekeler '359, Vasek and Stewart all disclose a retaining system for securing a cutting tool to a support block, said retaining system comprising: at least one groove, having a first predetermined shape, formed in an outer surface of a shank portion of said cutting tool intermediate each end thereof, said groove being formed in a direction transverse to a longitudinal axis of said shank; at least one groove, having a second predetermined shape, formed in a surface of a bore formed through an axis of said support block for receiving therein said shank portion of said cutting tool, said at least one groove formed in said outer surface of said shank portion of said cutting tool being substantially radially opposed to said at least one groove formed in said surface of said bore formed through said axis of said support block when said shank portion is inserted into said bore of said support block; and at least one pin member engageable with each of said at least one

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groove formed in said outer surface of said shank portion said cutting tool and said at least one groove formed in said surface of said bore formed through said axis of said support block for securing said cutting tool to said support block (see Figures).

However, they all are silent about the pin being rolled spring steel. Krekeler '637 and Parsons both teach rolled spring steel pin (24, 114 respectively). It would have been considered obvious to one of ordinary skill in the art to modify either Snipe, Morrow, Krekeler '206, Krekeler '728, Hansen et al., Krekeler '764, Kniff et al., Krekeler '359, Vasek and Stewart by substituting the pin as taught by either Krekeler '637 or Parsons for the pin disclosed by Snipe, Morrow, Krekeler '206, Krekeler '728, Hansen et al., Krekeler '764, Kniff et al., Krekeler '359, Vasek and Stewart since this would facilitate insertion because such a pin will contract to permit insertion and due to its resiliency property rebound to retain the cutting tool in its holder.

5. Claims 1, 3-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bower, Jr. (US 3493268) in view of Krekeler '637 or Parsons '823. Bower, Jr. discloses the invention substantially as claimed (see Figures). However, Bower, Jr. is silent about the pin being rolled spring steel. Krekeler '637 and Parsons both teach rolled spring steel pin (24, 114 respectively). It would have been considered obvious to one of ordinary skill in the art to modify Bower, Jr. by substituting the pin as taught by either Krekeler '637 or Parsons for the pin disclosed by Bower, Jr. since this would facilitate insertion because such a pin will contract to permit insertion and due to its resiliency property rebound to retain the cutting tool in its holder.

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6. Claims 1, 2-12, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wipo document (WO 00/34626) in view of Krekeler '637.

Wipo '626 discloses the invention substantially as claimed (see Figure 16). However, Wipo '626 is silent about including a groove in the shank of the cutting tool and wherein the pin therein being rolled spring steel. Krekeler '637 teaches rolled spring steel pin (24) within the groove of a shank (see Fig. 4). It would have been considered obvious to one of ordinary skill in the art to modify Wipo '626 by substituting the cutting tool with its pin as taught by Krekeler '637 for the cutting tool and pin disclosed by Wipo '626 since this would facilitate insertion because such a pin will contract to permit insertion and due to its resiliency property rebound to retain the cutting tool in its holder.

Response to Arguments

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

8. In response to applicant's argument that Bowers, Jr. fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "non-reversible") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh
Primary Examiner
Art Unit 3673



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4/25/05

SUNIL SINGH
PRIMARY PATENT EXAMINER